

Application Number 09/773,334
Responsive to Office Action mailed December 30, 2004

REMARKS

This amendment is responsive to the Office Action dated December 30, 2004. Applicant has amended claims 1, 7, 9-11, 16, 18, 20 and 23, and has canceled claim 22. Claims 1-3, 6, 7, 9-11, 14-21 and 23 are pending.

Applicant would like to thank the Examiner for discussing the pending Office Action with the undersigned via two telephonic interviews on March 30, 2005. During the telephonic interviews, the undersigned and the Examiner discussed the rejections of the pending independent claims, namely, claims 1, 7 and 11. References discussed were U.S. Pat. No. RE38,189 E to Walker et al., and U.S. Pat. No. 6,349,675 B1 to Thrun (the latter reference being identified by subject matter but not by name). No exhibits or demonstrations were presented.

Discussed were amendments to the pending claims to put the claims in condition for allowance. There was general agreement that amendments along the lines discussed below could move the claims into condition for allowance. The above Amendments are intended to conform to the general agreement between the Examiner and Applicant, and put claims 1-3, 6, 7, 9-11, 14-21 and 23 in condition for allowance.

Animal Involvement

Independent claims 1, 7 and 11 have been amended to recite that the animal involved is a "non-human" animal. These amendments clarify the meaning of "animal." The Examiner and the undersigned generally agreed that the amendments would remove the scope of independent claims 1, 7 and 11 from the realm of therapeutic treatment of humans.

Claims 7 and 11 previously recited apparatus that can receive an animal and confine the animal during therapeutic treatment. The Examiner suggested that claim 1 be amended to include a similar recitation, such as in the preamble or a wherein clause. Applicant has amended claim 1 to recite the recommended language in connection with the housing.

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Coupled

In the Office Action, the Examiner recommended replacing instances of "coupled" with "directly coupled." Although Applicant disagreed, and continues to disagree, with the Examiner's interpretation of the meaning of "coupled," Applicant has amended independent claims 1 and 11 to recite "directly coupled," which would help bring claims 1 and 11 in condition for allowance. Applicant has amended dependent claims 9, 10, 18, 20 and 23 for consistency. Applicant and the Examiner agreed that it was not necessary to add the word "directly" to claims in which the term "hingedly coupled" was employed.

Independent Claim 7

Several amendments were discussed in connection with independent claim 7, including: reciting the fluid container support and/or its position relative to the uncovered part of the top opening; reciting the size of the uncovered part of the top opening in terms of the size of the length and breadth of a top panel; reciting the size of the uncovered part of the top opening in terms of the size to receive a permit a handler to directly touch the animal; reciting the position of the uncovered part of the top opening as being disposed between the top panels; and clarifying that the housing is sized to receive an a "non-human" animal. The Examiner did not recommend that all of these suggestions needed to be adopted, however. Rather, these were various approaches that were explored during the Interview.

Applicant has amended claim 7 in the following respects:

Applicant has specifically recited that the housing is sized to receive an a "non-human" animal. This amendment removes the scope of independent claim 7 from the realm of therapeutic treatment of humans.

Applicant has specifically recited the location of the uncovered part of the top opening, namely, that it is disposed between the first and second top panels when the first and second top panels are in the closed position. This amendment distinguishes the Examiner's application of the Thrun reference, in which screen openings were a part of a top panel itself, rather than disposed between panels.

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Applicant has included a size recitation, in that the uncovered part of the top opening is sized to permit a handler to directly touch the animal. This amendment distinguishes the Examiner's application of the Thrun reference by providing that the opening be sized to permit a handler to touch the animal directly. In the Thrun reference, the only features that might possibly constitute openings would be screen holes and cracks between panels. Neither opening would be sized to permit a handler to touch the animal directly, as opposed to touching the animal via touching any portion of the apparatus, or via touching the animal with a tool or an instrument, such as a needle. Claim 22, which recited that the opening would be sized to permit a handler to touch the animal (but which did not include the word "directly") has been canceled.

These amendments to claim 7 achieve the goals discussed by the Examiner and the undersigned. They clarify the meaning of "animal," include recitations pertaining to position and size of the uncovered part of the top opening and are supported by Applicant's specification. See generally p. 6, FIGS. 1 and 3. These amendments further provide distinction of cited references.

Dependent Claims

Claims 2-3, 6, 9-10 and 14-23 are dependent claims. Because independent claims 1, 7 and 11 are in condition for allowance, claims 2-3, 6, 9-10 and 14-23 are in condition for allowance as well.

Other Issues Discussed

The Examiner and the undersigned further discussed legal questions pertaining to whether breadth of claims was grounds for unpatentability, and the meaning of "inherency" as well as its applicability to these proceedings. Although there was no agreement on resolution of these issues, it was agreed that the above Amendments would render these issues moot. Drawings were discussed but were deemed satisfactory for current purposes.

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CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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30 MARCH 2005
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